

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

ROBERTO CLAROS et al.

Plaintiffs,

v.

SWEET HOME IMPROVEMENTS, LLC  
et al.

Defendants

**Civ. No: 1:16-cv-344-AJT-MSN**

**Notice of Motion to Strike Affirmative Defense of Fraud**

PLEASE TAKE NOTICE that on Friday, June 3, 2016, at 10:00am, or as soon thereafter as counsel may be heard, plaintiffs, by counsel, will move this court to strike the defendant's affirmative defense of fraud [Dkt. #12].

Plaintiffs' counsel contacted defendants' counsel by e-mail on May 17, 2016, to obtain his consent to a hearing date in June, but defendants' counsel replied, "Fridays are motions day in Fairfax and it's very hard for me to free Fridays. My next available are 7/22, 8/5, 8/19." Pursuant to Local Rule 7(E), all motions must be heard within 30 days of their being filed. Also pursuant to that same rule, in any division that has a regularly scheduled motions day, the motion should be noticed for the first permissible motions day. July 22 is more than halfway through the discovery period in this case. Accordingly, plaintiffs' counsel is filing this Notice of Hearing Date without the consent of defendants' counsel.

Respectfully submitted,

LEGAL AID JUSTICE CENTER

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Date: May 19, 2016

**CERTIFICATE OF SERVICE**

I certify that I uploaded the foregoing Notice of Motion to Strike Affirmative Defense of Fraud to the Court's CM/ECF system today, May 19, 2016, causing a Notice of Electronic Filing to be sent to Defendants' counsel:

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Date: May 19, 2016